

REMARKS

Claims 21-40 are pending in this application.

Applicant has cancelled Claims 1-20, without prejudice, and Applicant has added new Claims 21-40. Applicant submits that the newly added Claims 21-40 do not contain new matter.

Applicant further submits that the amendments to the Claims do not contain new matter.

Applicant has also deleted the Abstract Of The Disclosure and has substituted therefor the new Abstract Of the Disclosure which is attached hereto on a separate sheet.

Applicant respectfully submits that the new Abstract Of The Disclosure does not contain new matter.

Applicant uses the phrase "at least one of . . . and . . ." in the claims. In all instances, the phrase "at least one of . . . and . . ." means "only one item from the list, or any combination of items in the list". Applicant respectfully submits that the phrase having the form "at least one of A and B", where each of A and B is either a term or a phrase, the phrase "at least one of A and B" means "only A, only B, or A and B". In instances in which three or more terms and/or phrases are present in an "at least one of . . . and .

. ." phrase, Applicant provides the following example definitions: the phrase "at least one of A, B, and C" means "only A, only B, only C, or any combination of A, B, and C"; the phrase "at least one of A, B, C, and D" means "only A, only B, only C, only D, or any combination of A, B, C, and D"; the phrase "at least one of A, B, C, D, and E" means "only A, only B, only C, only D, only E, or any combination of A, B, C, D, and E", and so on.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. THE 35 U.S.C. §103 REJECTIONS:

The Examiner asserts that Claims 1-20 are rejected under 35 U.S.C. §103 "as being unpatentable over either" Palmeri, U.S. Patent No. 5,596,643 (Palmeri) in view of Young, U.S. Patent No. 3,669,288 (Young) and Touzet, FR2816434 (Touzet). As noted above, Applicant has canceled Claims 1-20, without prejudice, and Applicant has added new Claims 21-40. Applicant respectfully submits that the newly added Claims 21-40 do not contain new matter.

Applicant respectfully submits that the present invention, as defined by Claims 21-40, is patentable over the prior art.

IA. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 21-40, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claims 21-40, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over the prior art.

Applicant respectfully submits that the present

invention, as defined by independent Claim 21, is patentable over Palmeri in view of Young and Touzet.

Applicant respectfully submits that Palmeri, Young, Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest many of the specifically recited features of independent Claim 21 and, therefore, Palmeri, Young, Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest all of the features of independent Claim 21.

Applicant respectfully submits that Palmeri, Young, Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest an apparatus comprising a shipment conveyance device, wherein the shipment conveyance device is associated with a shipment, and further wherein the shipment conveyance device is at least one of a shipping container, a pallet, and a tote, and a global positioning device, wherein the global positioning device is located in, on, or at, the shipment conveyance device, and further wherein the global positioning device determines a position or location of the shipment conveyance device, all of which features are specifically recited features of independent Claim 21.

Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the recited apparatus comprising the recited shipment conveyance device which is associated with a shipment and which is at least one of a shipping container, a pallet, and a tote, and a global positioning device, wherein the global positioning device is located in, on, or at, the recited shipment conveyance device. Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the recited global positioning device which is located in, on, or at, the recited shipment conveyance device. Applicant further submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the recited global positioning device which determines a position or location of the recited shipment conveyance device.

Applicant further submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest a processing device, wherein the processing device processes at least one of information regarding the shipment and information regarding

the shipment conveyance device in response to an occurrence of an event or in response to a request for information regarding the shipment or the shipment conveyance device, wherein the processing device generates a message containing information regarding at least one of the occurrence of an event, a status of the shipment, a position or location of the shipment or the shipment conveyance device, a shipment temperature, and an impact or force on the shipment conveyance device, all of which features are still other specifically recited features of independent Claim 21.

Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the recited shipment conveyance device. Applicant further submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the recited processing device which processes at least one of information regarding the shipment and information regarding the recited shipment conveyance device in response to an occurrence of an event or in response to a request for information regarding the shipment or the recited shipment conveyance device. Applicant further submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not

disclose or suggest the recited processing device which generates the recited message containing information regarding at least one of the occurrence of an event, a status of the shipment, a position or location of the shipment or the recited shipment conveyance device, a shipment temperature, and an impact or force on the recited shipment conveyance device.

Lastly, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest a transmitter, wherein the transmitter transmits the message to a communication device associated with at least one of a sender of the shipment, a receiver of the shipment, and a carrier of the shipment, all of which features are still other specifically recited features of independent Claim 21.

Applicant submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the recited message. Applicant further submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the recited transmitter which transmits the recited message to the recited communication device.

In view of the foregoing, Applicant respectfully submits that that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest many of the specifically recited features of independent Claim 21 and, therefore, Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest all of the features of independent Claim 21.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet. In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over the prior art. Allowance of independent Claim 21 is, therefore, respectfully requested.

Applicant further submits that Claims 22-40, which Claims 22-40 depend either directly or indirectly from independent Claim 21, so as to include all of the limitations of independent Claim 21, are also patentable over the prior



art as said Claims 22-40 depend from allowable subject matter.

Regarding Claim 22, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, further comprising a display device, wherein the display device displays or provides information regarding the shipment.

Regarding Claim 23, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 22, wherein the display device is at least one of a display screen, a liquid crystal display screen, and a light emitting diode screen.

Regarding Claim 24, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, further comprising a receiver, wherein the receiver receives the request for information regarding the shipment or the shipment conveyance device.

Regarding Claim 25, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, wherein the apparatus stores information regarding at least one of a handling instruction regarding the shipment, information regarding a temperature requirement regarding the shipment, information regarding digitized map information, information regarding a stop or stops made during the transport of the shipment, and travel route information regarding the shipment.

Regarding Claim 26, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, wherein the message contains information regarding at least one of a position or location of the shipment or the shipment conveyance device.

Regarding Claim 27, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, wherein the message contains information regarding a stop made by a carrier of the shipment or the shipment conveyance device.

Regarding Claim 28, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, further comprising a sensor, wherein the sensor monitors or measures at least one of a temperature during the shipment, a shock exerted on the shipment conveyance device, an impact exerted on the shipment conveyance device, and a force exerted on the shipment conveyance device, wherein the message contains information regarding at least one of a temperature of the shipment, a change in a shipment temperature, and an impact or force exerted on the shipment conveyance device.

Regarding Claim 29, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, wherein the message contains information regarding an unusual stopping period regarding the shipment.

Regarding Claim 30, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the

apparatus of Claim 21, wherein the processing device is programmed to automatically generate the message.

Regarding Claim 31, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, wherein the processing device generates a shipment delivery message, and further wherein the apparatus transmits the shipment delivery message to the communication device.

Regarding Claim 32, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, wherein the event is a detection of a deviation from a pre-determined transportation route associated with the shipment.

Regarding Claim 33, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, wherein the event is a detection of an unauthorized carrier or a wrong carrier transporting the

shipment or a detection of an unauthorized receiver of the shipment or a wrong receiver of the shipment.

Regarding Claim 34, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, wherein the event is a detection of a shipment temperature which deviates from a shipment temperature requirement.

Regarding Claim 35, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, wherein the event is a detection of at least one of an impact experienced by the shipment conveyance device, a force experienced by the shipment conveyance device, a mishandling of the shipment conveyance device, a dropping of the shipment conveyance device, and an accident involving the shipment conveyance device.

Regarding Claim 36, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, further comprising an input device,

wherein the input device is used to enter information regarding a person or entity attempting to receive the shipment, wherein the processing device processes the information regarding a person or entity attempting to receive the shipment and determines whether or not the person or entity is a proper receiver of the shipment.

Regarding Claim 37, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, wherein the processing device detects an occurrence giving rise to an insurance claim regarding the shipment, and further wherein the message includes insurance claim information.

Regarding Claim 38, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, wherein the message is transmitted on or over at least one of the Internet and the World Wide Web.

Regarding Claim 39, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the

apparatus of Claim 21, wherein the shipping container is at least one of a refrigerated container, a heated container, and an insulated container.

Regarding Claim 40, Applicant respectfully submits that Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet, do not disclose or suggest the apparatus of Claim 21, wherein the communication device is at least one of a wireless device and a personal digital assistant.

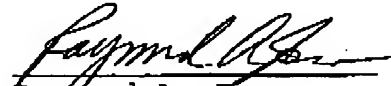
In view of the foregoing, Applicant respectfully submits that dependent Claims 22-40 are patentable over Palmeri, Young, and Touzet, and any combination of Palmeri, Young, and Touzet. In view of the foregoing, Applicant respectfully submits that dependent Claims 22-40 are patentable over the prior art.

Allowance of pending Claims 21-40 is, therefore, respectfully requested.

II. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 21-40 is respectfully requested.

Respectfully Submitted,

  
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